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Washington, D.C. 20231

On October 9, 2002

DELTAGEN, INC.

By: Don Mixon

Don Mixon

#13138
PATENT
Attorney Docket No.: R-716
10/22/02
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

KEITH D. ALLEN, et al.

Application No.: 10/005,220

Filed: December 4, 2001

For: Transgenic Mice Containing RPTPB
Tyrosine Phosphatase Gene Disruptions

Examiner: Qian, Celine, X.

Art Unit: 1636

INFORMATION DISCLOSURE
STATEMENT UNDER 37 CFR §1.97 and
§1.98

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The references cited on attached Forms PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the references are enclosed. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

This Information Disclosure Statement as far as is known to the undersigned, is filed before the mailing date of a first Office Action on the merits. Each item of information contained in the information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.

While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR § 1.56, it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR § 1.56(a) exists. It is submitted that the Information Disclosure Statement is in compliance with 37 CFR § 1.98 and MPEP § 609 and the Examiner is respectfully requested to consider the listed references.

The Commissioner is hereby authorized to charge our Deposit Account No. 50-1271 for any fees required in connection with the filing of this Information Disclosure Statement. **A duplicate copy of this Notice is enclosed for this purpose.** In particular, in the event that an Office Action has crossed in the mail with this Information Disclosure Statement, the Commissioner is authorized to charge the above-named deposit account for any fees required pursuant to CFR § 1.17(p) or § 1.17(i)(1).

Respectfully submitted,

October 9, 2002

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